

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

2013

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 22-13810)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-22-16

WHEREAS, a drought emergency has been declared for Teton County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (“Department”) is authorized to allow temporary changes in the point of diversion, the place of use, and the purposes of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on July 15, 2013, Huntsman Springs Inc. submitted the attached Temporary Change Application TC-22-16 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the following conditions:

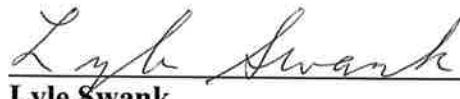
- 1. Diversion and use of right no(s). 22-13810 is authorized only at the point of diversion and place of use described on the application.**
- 2. This temporary Change approval does not authorize construction of a new well as a point of diversion.**
- 3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.**
- 4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought conditions. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.**

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5. Rights 22-7215B, 22-7215C, 22-13810, and 22-13811 when combined shall not exceed a total diversion rate of 6.14 cfs, a total annual maximum diversion volume of 1075 af at the field headgate, and the irrigation of 307 acres.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. This Temporary change approval expires on October 31, 2013 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 19th day of July, 2013.



Lyle Swank
Eastern Regional Manager

TC-22-16

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

A. PURPOSE OF TRANSFER

- B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

4. Point(s) of diversion: POD LEGAL CHANGED PER TELECON WITH APPLICANT ON 7/19/13

MIT

- [illegible]

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6. General Information:

- a. Who owns the water right to be changed? Fillmore Farms LLC
- b. Describe the arrangement allowing use of the right. Two corporations owned by same company.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No change, because land has not been irrigated.
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? _____
Would not be used.
- f. Describe other water rights used for the same purpose. 22-13811, 22-7215C, 22-7215B,
- g. Remarks: Water transfer needed to protect golf course.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

James H. Walker
Signature of Applicant

7-15-13
Date

FOR DEPARTMENT USE ONLY

Received by M. HOLLIDAY Date 7/15/13 \$50 fee receipted by KJ Receipt No. E038890
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-22-16, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____.

For the Director

Yvonne Nuttle

From: Todd Woolstenhulme [tw@huntsmansprings.com]
Sent: Thursday, July 11, 2013 1:17 PM
To: Yvonne Nuttle
Cc: tw@huntsmansprings.com
Subject: Fwd: pump basin location

Sent via the Samsung GALAXY S®4 Active™, an AT&T 4G LTE smartphone

----- Original message -----

From: Ted VanHolland <tvanholland@rdzeng.com>
Date: 07/11/2013 9:42 AM (GMT-07:00)
To: tw@huntsmansprings.com, why@atcnet.net
Subject: pump basin location

Todd,

Harvey wanted me to send you the coordinates for the sump on the irrigation reservoir.

Lat 43.739311

Long. -111.119236

This should be sufficient for permitting. If you need anything else let me know.

Sincerely,

Ted Van Holland

Rendezvous Engineering

LIMITED POWER OF ATTORNEY

FILLMORE FARMS , LLC, DAVID H. HUNTSMAN, Member, of 500 Huntsman Way, Salt Lake City, Utah, 84108, designate and appoint HARVEY WALKER of 2338 North 2930 West, Arco, ID 83213, as our attorney in fact and agent (subsequently called "agent") to act in our name and for our benefit. We grant to our agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as we might or could do if personally present and fully competent, hereby ratifying and confirming all that our agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

Specific Powers

Our agent shall have and may exercise the following specific power:

- a. To handle all affairs and do all that needs done, including signing of documents, pertaining to water rights, wells and all water issues.

Revocability

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by us or our agent and delivered to such person or institution.

Interpretation

This instrument is to be construed and interpreted as a limited power of attorney.

Disability of Principal

This Limited Power of Attorney shall not be affected by disability of the principal.

Third-Party Reliance

Third parties may rely upon the representations of our agent as to all matters relating to any power granted to our agent, and no person who may act in reliance upon the representations of our agent or the authority granted to our agent shall incur any liability to us or our estate as a result of permitting our agent to exercise any power.

Expiration

Unless sooner revoked in the manner above provided, this Limited Power of Attorney shall expire at midnight on February 28, 2016.

Governing Law

This Limited Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

IN WITNESS WHEREOF, we have executed this Limited Power of Attorney this 18th day of March, 2013.

FILMORE FARMS, LLC, Principal

By



David H. Huntsman, Member



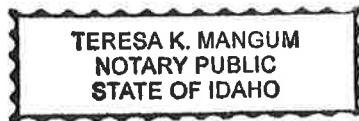
STATE OF Idaho)

) SS.

County of Teton)

On this 18th day of march, 2013, personally appeared before me DAVID H.

HUNTSMAN, who, being by me first duly sworn, declared that he is the Member of FILLMORE FARMS, LLC, that he signed the foregoing document as President of the corporation, and that the statements therein contained are true.



Notary Public of Idaho

My Commission Expires: 07-24-2015